KeyCite Yellow Flag - Negative Treatment
Distinguished by Hocking Valley R. Co. v. New York Coal Co., C.C.A.6 (Ohio), November 6, 1914

29 S.Ct. 214

Supreme Court of the United States.

MISSOURI PACIFIC RAILWAY COMPANY, Plff. in Err.,

v.

LARABEE FLOUR MILLS COMPANY, a Partnership composed of F. D. and F. S. Larabee.

No. 16.

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Argued November 11, 12, 1908.

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Decided January 11, 1909.

Synopsis

IN ERROR to the Supreme Court of the State of Kansas to review a judgment compelling a carrier by mandamus to resume the transfer and return of cars loaded and unloaded from the line of a connecting carrier to the flour mill and elevator of a particular shipper, upon request and demand of such shipper and upon payment of the customary charges. Affirmed.

See same case below, 74 Kan. 808, 88 Pac. 72.

West Headnotes (3)

[1] **Carriers** Rights and Liabilities of Carrier in General

A common carrier may be compelled by mandamus or other writ to treat all shippers alike.

7 Cases that cite this headnote

[2] **Commerce** Nonexercise of Power by Congress

The mere delegation by Congress to the Interstate Commerce Commission of certain powers is not equivalent to specific action by Congress in respect to the particular matters involved, which prevents a state from making regulations conducive to the welfare of its citizens that may indirectly affect commerce.

56 Cases that cite this headnote

[3] **Commerce** Discrimination

Compelling a carrier by mandamus to discharge its common-law duty to treat all shippers alike by resuming the transfer of cars loaded and unloaded between the line of a connecting carrier and the flour mill and elevator of a particular shipper is not beyond the power of the state court, at least, until Congress or the Interstate Commerce Commission takes specific action, although both carriers are engaged in interstate commerce, and three-fifths of the output of the mill are shipped out of the state.

90 Cases that cite this headnote

Attorneys and Law Firms

****216** ***616** Mr. **Balie P. Waggener** for plaintiff in error.

***617** Messrs. Charles Blood Smith, Joseph G. Waters, John C. Waters, John F. Switzer, W. H. Rossington, and Clad Hamilton for defendant in error.

Opinion

****215** Statement by Mr. Justice **Brewer:**

***612** On September 15, 1906, the Larabee Flour Mills Company (hereinafter called the mill company) filed its application in the supreme court of Kansas for an alternative writ of mandamus, compelling the Missouri Pacific Railway Company (hereinafter called the Missouri Pacific) to restore, resume, and make transfer of cars between the lines of the Atchison, Topeka, & Santa Fe Railway Company (hereinafter called the Santa Fe) and the mill and elevators of

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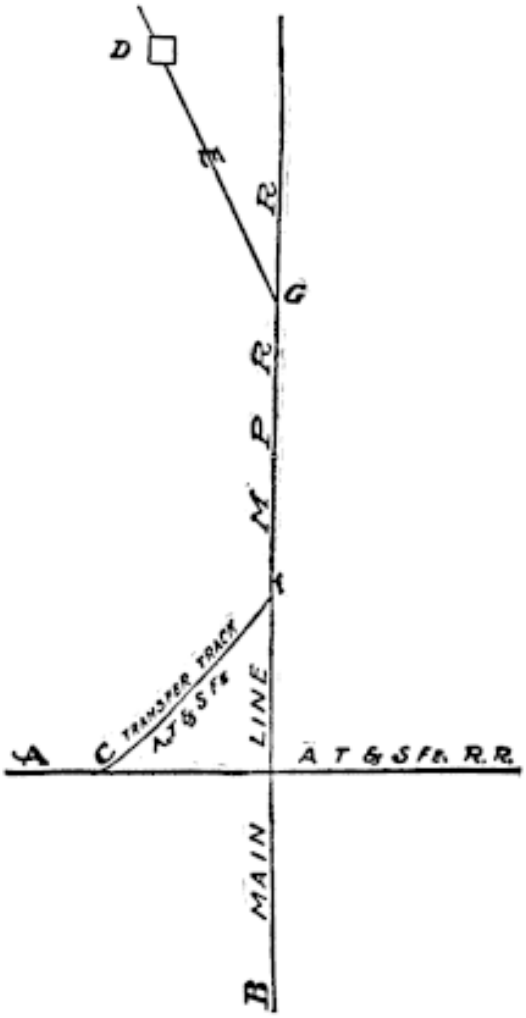
the plaintiff, situated in the town of Stafford. The following diagram shows the location of the mill and railroad tracks:



***614** Line 'A' represents the main line of the Santa Fe Railway Company; line 'B,' the main line of the Missouri Pacific Railway Company; line 'C,' the transfer track owned by the Santa Fe Company; 'D,' the mill of the Larabee Company; 'E,' the spurtrack running from the main line of the Missouri Pacific Railway Company. The distance from 'F' to 'G' on the main line of the Missouri Pacific Railway Company is about 1 mile.

Upon the filing of this application and the answer and return of the Missouri Pacific the matter was referred to a commissioner who reported his findings of fact, which, so far as are material to the questions presented, are as follows: Stafford is a flourishing town of 1,600 people, situated in the midst of a wheat-growing district of the state. The mill company has, for more than four years, been operating a flouring mill of 1,000 barrels daily capacity. About three fifths of its product is shipped out of the state of Kansas into other states, and the remaining two fifths to points within the state. It receives a large portion of its grain in car-load lots over the two roads.

The Missouri Valley Car Service & Storage Association (hereinafter called the car service association) is an unincorporated voluntary association of a number of railroad companies, having a manager and other employees. The object and the duty of this association is to represent and protect the interests and enforce the rights of the members thereof in the interchange of freight cars, the prompt loading, unloading, and return of cars interchanged or delivered to shippers for traffic purposes. It had been in operation for many years, commencing prior to any of the transactions mentioned in this litigation. Its objects, operations, and methods were generally understood by commercial shippers, and acquiesced in as appropriate for securing to the shipping public the greatest amount of service over the roads composing it.

No express contract existed between the two railroad companies requiring either to use or to permit the other to use the transfer track, or requiring either to place empty or loaded cars ***615** thereon, to be taken away or returned by the other. Whenever the Santa Fe placed its empty cars for the mill company on the transfer track, the Missouri Pacific, upon notice thereof, hauled and delivered them at the mill on the siding connecting it with the Missouri Pacific. The Santa Fe and the Missouri Pacific both held themselves out as ready to do such and like transferring, and continued to do so after the controversy arose in this case for all industries located on the Missouri Pacific at Stafford, making car-load shipments in or our over the Santa Fe, except the mill company. A controversy arose between the Missouri Pacific and the mill company as to two charges for demurrage; one for demurrage between December 12, 1905, and April 26, 1906, and the other between July 24 and August 14, 1906. Payment of both was demanded by the car

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service association. One of them, the mill company offered to pay; the other it refused, on the ground that the delay and detention were not caused by its fault, but by the defective, insufficient, and inadequate service of the Missouri Pacific in placing the cars for unloading and reloading. For a failure to pay both these charges the Missouri Pacific, by the direction of the car service association, ceased and refused to make further delivery to the mill company of empty cars placed on the transfer track for the use of the mill company by the Santa Fe, in consequence of which the mill company, when desiring to ship any of its products from Stafford by the Santa Fe, was compelled to haul the same in wagons from its mill to the station of the Santa Fe and there load into cars. This entailed upon the mill company great inconvenience and additional expense in the management of its business. The refusal of the Missouri Pacific was based solely upon the ground above stated, and not upon a claim that the compensation paid for the service was unsatisfactory, or that the service constituted a part of interstate commerce, or that the Missouri Pacific did not undertake to perform services of such character.

The commissioner also found that the detention of the cars on account of which the demurrage charge was refused payment by the mill company was caused as much by the defective motive power and insufficient train service of the Missouri Pacific as from any fault or omission on the part of the mill company.

The case coming on for hearing before the supreme court of the state, a peremptory writ of mandamus was ordered, commanding the Missouri Pacific to immediately resume the transfer and return of cars loaded and unloaded from the line of the Santa Fe to and from the mill and elevator at the station and city of Stafford, upon the request and demand of the mill company, and upon payment of the theretofore customary charges.

Mr. Justice **Brewer** delivered the opinion of the court:

All questions arising under the Constitution and laws of the state of Kansas are settled adversely to the plaintiff in error by the decision of the supreme court of the state. Merchants' M. Nat. Bank v. Pennsylvania, 167 U. S. 461, 42 L. ed. 236, 17 Sup. Ct. Rep. 829, and cases cited in the opinion. This brings within a narrow range the controversy which this court is called upon to decide.

Coming directly to that, counsel for plaintiff in error contend that no duty was imposed on the railroad company by act of the legislature or mandate of commission or other administrative board. Conceding this, it is also ture that the Missouri Pacific was a common carrier, and, as such, was engaged in the work of transferring cars from the Sante Fe track to the mill company, and, after this controversy arose, continued like transfer for all industries located on the Missouri Pacific at Stafford, except the mill company. While no one can be compelled to engage in the business of a common carrier, yet, when he does so, certain duties are imposed which can be enforced by mandamus or other suitable remedy. The Missouri Pacific engaged in the business of transferring cars from the Santa Fe track to industries located at Stafford, and continued to do so for all parties except the mill company. So long as it engaged in such transfer it was bound to treat all industries at Stafford alike, and could not refuse to do for one that which it was doing for others. No legislative enactment, no special mandate from any commission ****217** or other administrative board, was necessary, for the duty arose from the fact that it was a common carrier. This lies at the foundation of the law of common carriers. Whenever one engages in that business, the obligation of equal service to all arises; and that obligation, irrespective of legislative action or special mandate, can be enforced by ***620** the courts. Neither is there any significance in the absence of a special contract between the Missouri Pacific and the mill company. It appears that the practice theretofore had been for the Missouri Pacific to charge the Sante Fe for the transfer,-that the latter collected the total freight and paid the Missouri Pacific its switching charges. There is no suggestion that the amount of this charge was changed in favor of any other shipper; and, so long as that was so, it was the charge which the Missouri Pacific was entitled to make for cars transferred at the instance of the mill company. If, in the future, a change is made in behalf of shippers generally, undoubtedly that change can be made operative in respect to the mill company. Indeed, all these questions are disposed of by one well-established proposition, and that is that a party engaging in the business of a common carrier is bound to treat all shippers alike, and can be compelled to do so by mandamus or other proper writ.

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But the main contention on the part of the Missouri Pacific runs along an entirely different line. It is that the Missouri Pacific and the Santa Fe are common carriers, engaged in interstate commerce, and, as such, are subject to the control of Congress, and, therefore, in these respects not amenable to the power of the state. It appears from the findings that about three fifths of the flour of the mill company is shipped out of the state, while the other two fifths is shipped to points within the state. In addition, the hauling of the empty cars from the Santa Fe track to the mill was, if commerce at all, commerce within the state.

The roads are, therefore, engaged in both interstate commerce and that within the state. In the former, they are subject to the regulation of Congress; in the latter, to that of the state; and, to enforce the proper relation between Congress and the state, the full control of each over the commerce subject to its dominion must be preserved. Fairbank v. United States, 181 U. S. 283, 45 L. ed. 862, 21 Sup. Ct. Rep. 648. How the separateness of control is to be accomplished, it is unnecessary to determine. Its existence is recognized in the ***621** 1st section of the interstate commerce act of February 4, 1887 (24 Stat. at L. 379, chap. 104, U. S. Comp. Stat. 1901, p. 3154), as well as in that of June 29, 1906 (34 Stat. at L. 584, chap. 3591, U. S. Comp. Stat. Supp. 1907, p. 893), for each provides:

'That the provisions of this act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property, wholly within one state, and not shipped to or from a foreign country, from or to any state or territory, as aforesaid.'

This case does not rest upon any distinction between interstate commerce and that wholly within the state. It is the contention of counsel for the mill company that it comes within the oft-repeated rule that the state, in the absence of express action by Congress, may regulate many matters which indirectly affect interstate commerce, but which are for the comfort and convenience of its citizens. Of the existence of such a rule there can be no question. It is settled and illustrated by many cases.

Thus, in Cooley v. Port Wardens, 12 How. 299, 13 L. ed. 996, it was held that a regulation of pilots and pilotage was a regulation of commerce within the grant of the power of Congress; but further that (p. 319):

'The mere grant of such a power to Congress did not imply a prohibition on the states to exercise the same power; that it is not the mere existence of such a power, but its exercise by Congress, which may be incompatible with the exercise of the same power by the states, and that the states may legislate in the absence of congressional regulations. Sturges v. Crowinshield, 4 Wheat. 193, 4 L. ed. 548; Houston v. Moore, 5 wheat. 1, 5 L. ed. 19; Willson v. Black Bird Creek Marsh Co. 2 Pet. 251, 7 L. ed. 414.'

In Cleveland, C. C. & St. L. R. Co. v. Illinois, 177 U. S. 514, 44 L. ed. 868, 20 Sup. Ct. Rep. 722, is a collection by Mr. Justice Brown, speaking for this court, of a number of these cases. We quote from the opinion (pp. 516, 517):

'Few classes of cases have become more common of recent years than those wherein the police power of the state over the vehicles of interstate commerce has been drawn in question. That such power exists and will be enforced, notwithstanding ***622** the constitutional authority of Congress to regulate such commerce, is evident from the large number of cases in which we have sustained the validity of local laws designed to secure the safety and comfort of passengers, employees, persons crossing railway way tracks, and adjacent property owners, as well as other regulations intended for the public good.

We have recently applied this doctrine to state laws requiring locomotive engineers to be examined and licensed by the state ****218** authorities. (Smith v. Alabama, 124 U. S. 465, 31 L. ed. 508, 1 Inters. Com. Rep. 804, 8 Sup. Ct. Rep. 564); requiring such engineers to be examined from time to time with respect to their ability to distinguish colors (Nashville, C. & St. L. R. Co. v. Alabama, 128 U. S. 96, 32 L. ed. 352, 2 Inters. Com. Rep. 238, 9 Sup. Ct. Rep. 28); requiring telegraph companies to receive dispatches and to transmit and deliver them with due diligence, as applied to messages from outside the state (Western U. Teleg. Co. v. James, 162 U. S. 650, 40 L. ed. 1105, 16 Sup. Ct. Rep. 934); forbidding the running

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of freight trains on Sunday (Hennington v. Georgia, 163 U. S. 299, 41 L. ed. 166, 16 Sup. Ct. Rep. 1086); requiring railway companies to fix their rates annually for the transportation of passengers and freight, and also requiring them to post a printed copy of such rates at all their stations (Chicago & N. W. R. Co. v. Fuller, 17 Wall. 560, 21 L. ed. 710); forbidding the consolidation of parallel or competing lines of railway (Louisville & N. R. Co. v. Kentucky, 161 U. S. 677, 40 L. ed. 849, 16 Sup. Ct. Rep. 714); regulating the heating of passenger cars, and directing guards and guard posts to be placed on railroad bridges and trestles and the approaches thereto (New York, N. H. & H. R. Co. v. New York, 165 U. S. 628, 41 L. ed. 853, 17 Sup. Ct. Rep. 418); providing that no contract shall exempt any railroad corporation from the liability of a common carrier or a carrier of passengers, which would have existed if no contract had been made (Chicago, M. & St. P. R. Co. v. Solan, 169 U. S. 133, 42 L. ed. 688, 18 Sup. Ct. Rep. 289); and declaring that when a common carrier accepts for transportation anything directed to a point of destination beyond the terminus of his own line or route, he shall be deemed thereby to assume an obligation for its safe carriage to such point of destination, unless, at the time of such acceptance, such carrier be released orexempted from such liability be contract in writing, signed by the owner or his agent (***623** Richmond & A. R. Co. v. R. A. Patterson Tobacco Co. 169 U. S. 311, 42 L. ed. 759, 18 Sup. Ct. Rep. 335). In none of these cases was it thought that the regulations were unreasonable, or operated in any just sense as a restriction upon interstate commerce.'

See also Missouri, K. & T. R. Co. v. Haber, 169 U. S. 613-626, 42 L. ed. 878-882, 18 Sup. Ct. Rep. 488; Wisconsin, M. & P. R. Co. v. Jacobson, 179 U. S. 287, 45 L. ed. 194, 21 Sup. Ct. Rep. 115; Reid v. Colorado, 187 U. S. 137, 47 L. ed. 108, 23 Sup. Ct. Rep. 92.

On the other hand, it is said that Congress has already acted,-has created the Interstate Commerce Commission, and given to it a large measure of control over interstate commerce. But the fact that Congress has intrusted power to that Commission does not, in the absence of action by it, change the rule which existed prior to the creation of the Commission. Congress could always regulate interstate commerce, and could make specific provisions in reference thereto, and yet this has not been held to interfere with the power of the state in these incidental matters. A mere delegation by Congress to the Commission of a like power has no greater effect, and does not of itself disturb the authority of the state. It is not contended that the Commission has taken any action in respect to the particular matters involved. It may never do so, and no one can, in advance, anticipate what it will do when it acts. Until then the authority of the state in merely incidental matters remains undisturbed. In other words, the mere grant by Congress to the Commission of certain national powers in respect to interstate commerce does not of itself, and in the absence of action by the Commission, interfere with the authority of the state to make those regulations conducive to the welfare and convenience of its citizens. Running through the entire argument of counsel for the Missouri Pacific is the thought that the control of Congress over interstate commerce, and a delegation of that control to a commission, necessarily withdraws from the state all power in respect to regulations of a local character. This proposition cannot be sustained. Until specific action by Congress or the Commission, the control of the state But it is further contended that disturbed. But it is further contended that this is ***624** not a mere incidental matter, indirectly affecting interstate commerce, but directly a part of such commerce, and therefore beyond the power of the state to control; and, in support of that, McNeill v. Southern R. Co. 202 U. S. 543, 50 L. ed. 1142, 26 Sup. Ct. Rep. 722, is referred to. There are many points of resemblance between that case and this, but there is this substantial distinction: In that was presented and determined solely the power of a state commission to make orders respecting the delivery of cars engaged in interstate commerce beyond the right of way of the carrier and to a private siding,-an order which affected the movement of the cars prior to the completion of the transportation; while here is presented, as heretofore indicated, the question of the power of the state to prevent discrimination between shippers, and the common-law duty resting upon a carrier was enforced. This commonlaw duty the state, in a case like the present, may-at least, in the absence of ****219** congressional action,-compel a carrier to discharge.

We see no error in the ruling of the Supreme Court of Kansas, and its judgment is affirmed.

Mr. Justice **Holmes:**

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I concur in the judgment on the ground that the cars had not yet been appropriated to interstate commerce, and so were subject to state control. For this reason I have not found it necessary to make up my mind on the considerations that will be urged by Mr. Justice **Moody,** although I am inclined to agree with his views.

Mr. Justice **Moody,** dissenting:

I find myself unable to agree in the reasoning by which the judgment of the state court is affirmed. Upon the peculiar facts of this case, it is possible to say that the cars whose transfer was directed did not become the subjects of interstate commerce until they had been selected as such after their delivery upon the tracks of the Santa Fe Railroad. If the decision were put upon that ground, I should be silent.

***625** But it is assumed that three-fifths of them were interstate shipments, and, with respect to such shipments, I am constrained to believe that the judgment of the court below exceeded the power of the state. The division of the governmental power over commerce, made by the Constitution, by which the control of interstate commerce is vested in the nation and the control of intrastate commerce is vested in the states, together with the fact that both kinds of commerce are often conducted by the same persons and corporations, through the same agencies, gives rise to highly perplexing questions in practice. The regulation of carriers and other instrumentalities of commerce is constantly undertaken, both by the nation and the states; and the extent and limit of the respective powers vested in each government, as far as possible, ought to be accurately ascertained and declared. This is demanded imperatively for the orderly conduct of the vast transportation agencies which are engaged in both kinds of commerce. They ought not to be left uncertain as to the power to which they are responsible.

I venture to think that the weight of authority establishes the following principles: The commerce clause of the Constitution vests the power to regulate interstate commerce exclusively in the Congress, and leaves the power to regulate intrastate commerce exclusively in the states. Both powers being exclusive, neither can be directly exercised except by the government in which it is vested. Though the state may not directly control interstate commerce, it may often indirectly affect that commerce by the exercise of other governmental powers with which it is undoubtedly clothed. And this indirect effect may be allowed to operate until the Congress enacts legislation conflicting with it, to which it must yield as the paramount power. Gibbons v. Ogden, 9 Wheat. 1, 204, 6 L. ed. 23, 72; Atlantic Coast Line R. Co. v. Wharton, 207 U. S. 328, 334, 52 L. ed. 230, 234, 28 Sup. Ct. Rep. 121; Asbell v. Kansas, 209 U. S. 251, 52 L. ed. 778, 28 Sup. Ct. Rep. 485.

In the case at bar, upon the facts as they are assumed to exist, it seems to me that the judgment of the court below ***626** directly regulated interstate commerce. If this is so, it is unimportant that the Congress has been silent. A power clearly withdrawn from the state, and vested in the nation, can no longer be exercised by the states, even though the Congress is silent. Where the Congress fails to act, the subject enjoys freedom from direct control.

The principles which I have stated have been recently applied by this court in the case of McNeill v. Southern R. Co. 202 U. S. 543, 50 L. ed. 1142, 26 Sup. Ct. Rep. 722. I cannot escape from the conviction that that case requires a reversal of the judgment of the court below, so far as it assumes to direct the conduct of interstate commerce. In that case the place of business of a private corporation was reached by a spur track connecting with the main track of the railroad. It had been the custom of the railroad to deliver cars consigned to this corporation from the main track to the spur track. In consequence of a dispute concerning demurrage, the railroad refused to continue thus to deliver cars. The state commission made an order requiring the railroad to deliver certain cars engaged in interstate commerce upon the spur track on payment of freight charges. The order was held to be a regulation of such commerce, and repugnant to the commerce clause of the Constitution. In that case the regulation affected the last stages of the interstate journey. In this case it affects the first stages of the interstate journey. But, in each case, the commerce which was regulated was interstate. In that case the order was issued by a commission, and in this case by a court. But nothing turns upon that distinction, for, by whatever state agency the power is exercised, it is void, because it exceeds the authority which may rightfully be conferred by the state upon any agency.

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In am not ready to assent to the proposition that, although the Congress has vested in the Interstate Commerce Commission the authority to deal with the exact situation ****220** presented to us, that fact is immaterial, because the Commission has taken no action. If the Commission has the authority to deal with a question of this kind, those who have grievances ought to ***627** resort to that body for relief. It is a very great hardship to subject the carriers to possibly conflicting regulations, and leave them uncertain which government may rightfully assert its controlling authority. So it was said in the McNeill Case, that the order there 'asserted a power concerning a subject directly covered by the act of Congress to regulate commerce, and the amendments to that act, which forbid, and provide remedies to prevent, unjust discriminations and the subjecting to undue disadvantages by carriers engaged in interstate commerce.' This statement was made as an additional reason for holding the state action invalid, and seems in conflict with the holding in this case.

I am authorized to state that Mr. Justice **White** joins in this opinion.

All Citations

211 U.S. 612, 29 S.Ct. 214, 53 L.Ed. 352

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Negative Treatment

Negative Citing References (2)

The KeyCited document has been negatively referenced by the following events or decisions in other litigation or proceedings:

Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by	1. Hocking Valley R. Co. v. New York Coal Co. MOST NEGATIVE 217 F. 727 , C.C.A.6 (Ohio) Conclusiveness of judgment between federal and state court, see notes to Kansas City, Ft. S. & M.R. Co. v. Morgan, 21 C.C.A. 478;Union & Planters' Bank v. City of Memphis, 49...	Nov. 06, 1914	Case		—
Distinguished by	2. Duche v. Thomas & John Brocklebank 35 F.2d 184 , E.D.N.Y. In Admiralty. Libel by Alfred Duche and others, copartners doing business under the firm name and style of T. M. Duche & Sons, against Thomas & John Brocklebank, Limited, and...	Aug. 10, 1929	Case		—

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History (2)

Direct History (2)

1. Larabee Flour Mills Co. v. Missouri Pac. Ry. Co.
74 Kan. 808 , Kan. , Dec. 08, 1906

Affirmed by

2. Missouri Pac. R. Co. v. Larabee Flour Mills Co.
211 U.S. 612 , U.S.Kan. , Jan. 11, 1909

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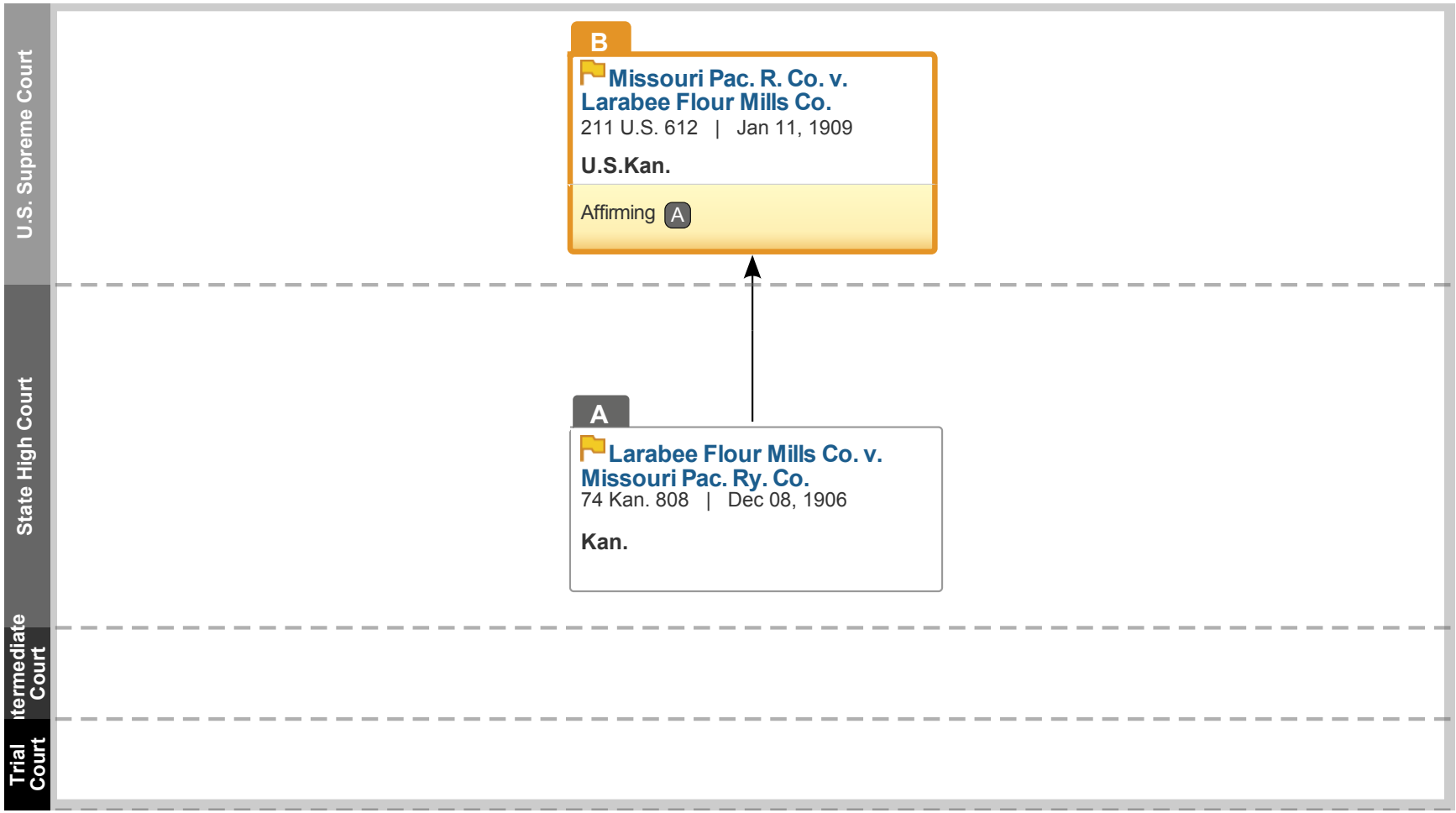

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Citing References (157)

Treatment	Title	Date	Type	Depth	Headnote(s)
Discussed by	**1.** **Conservation Force v. Delta Air Lines, Inc.** 190 F.Supp.3d 606, 609+ , N.D.Tex. TRANSPORTATION — Aviation. Airline did not violate federal common law by refusing to transport certain hunting trophies.	June 06, 2016	Case		—
Discussed by	**2.** **Louisville & N.R. Co. v. State** 76 So. 505, 507+ , Ala.App. Appeal from Criminal Court, Jefferson County; H.P. Heflin, Judge. The Louisville & Nashville Railroad Company was convicted of violating the Locomotive Headlight Law, and it...	May 29, 1917	Case		—
Discussed by	**3.** **Kansas City Southern Ry. Co. v. Ft. Smith Suburban Ry. Co.** 22 S.W.2d 21, 23+ , Ark. Appeal from Sebastian Chancery Court; J. V. Bourland, Chancellor. Suit by the Kansas City Southern Railway Company and others against the Fort Smith Suburban Railway Company and...	Nov. 25, 1929	Case		—
Discussed by	**4.** **Cities Service Gas Co. v. State Corp. Commission** 337 P.2d 640, 641+ , Kan. From an order of the Finney District Court, Roland H. Tate, J., construing mandate of Federal Supreme Court , an appeal was taken. The Supreme Court, Jackson, J., concluded that...	Apr. 11, 1959	Case		—
Discussed by	**5.** **Oneida Farmers' Shipping Ass'n v. St. Joseph & G.I. Ry. Co.** 133 P. 883, 889+ , Kan. Appeal from District Court, Nemaha County. Action by the Oneida Farmers' Shipping Association against the St. Joseph & Grand Island Railway Company. From a judgment for plaintiff,...	July 05, 1913	Case		—
Discussed by	**6.** **Detroit, T. & I.R. Co. v. State** 91 N.E. 869, 871+ , Ohio Error to Circuit Court, Jackson County. Action by the State against the Detroit, Toledo & Ironton Railway Company. Judgment for plaintiff was affirmed by the circuit court, and...	Mar. 15, 1910	Case		—
Discussed by	**7.** **Puritan Coal Mining Co. v. Pennsylvania R. Co.** 85 A. 426, 434+ , Pa. Appeal from Court of Common Pleas, Clearfield County. Action by the Puritan Coal Mining Company against the Pennsylvania Railroad Company. From a judgment for plaintiff, defendant...	Oct. 14, 1912	Case		—
Distinguished by NEGATIVE	**8.** **Duche v. Thomas & John Brocklebank** 35 F.2d 184, 185 , E.D.N.Y. In Admiralty. Libel by Alfred Duche and others, copartners doing business under the firm name and style of T. M. Duche & Sons, against Thomas & John Brocklebank, Limited, and...	Aug. 10, 1929	Case		—

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Treatment	Title	Date	Type	Depth	Headnote(s)
Distinguished by NEGATIVE	**9. Hocking Valley R. Co. v. New York Coal Co.** 217 F. 727, 731 , C.C.A.6 (Ohio) Conclusiveness of judgment between federal and state court, see notes to Kansas City, Ft. S. & M.R. Co. v. Morgan, 21 C.C.A. 478;Union & Planters' Bank v. City of Memphis, 49...	Nov. 06, 1914	Case		—
Cited by	**10. Bob-Lo Excursion Co. v. People of State of Mich.** 68 S.Ct. 358, 365 , U.S.Mich. The Bob-Lo Excursion Company was convicted of violating the Michigan Civil Rights Act, Comp.Laws Supp.Mich.1940, ss 17115-146 to 17115-148. Judgment was affirmed by the Supreme...	Feb. 02, 1948	Case		—
Cited by	**11. H.P. Welch Co. v. State of New Hampshire** 59 S.Ct. 438, 441+ , U.S.N.H. Appeal from the Supreme Court of the State of New Hampshire. Proceeding by the State of New Hampshire against the H. P. Welch Company for violation of the New Hampshire statute...	Jan. 30, 1939	Case		—
Cited by	**12. Northwestern Bell Telephone Co. v. Nebraska State Ry. Commission** 56 S.Ct. 536, 539 , U.S.Neb. Appeal from the Supreme Court of the State of Nebraska. Proceeding against the Northwestern Bell Telephone Company before the Nebraska State Railway Commission. From a judgment of...	Mar. 02, 1936	Case		—
Cited by	**13. Oregon-Washington R. & Nav. Co. v. State of Washington** 46 S.Ct. 279, 284 , U.S.Wash. Mr. Justice McReynolds and Mr. Justice Sutherland dissenting. In Error to the Supreme Court of the State of Washington. Action by the State of Washington against the...	Mar. 01, 1926	Case		—
Cited by	**14. New York Cent. R. Co. v. Winfield** 37 S.Ct. 546, 550 , U.S.N.Y. IN ERROR to the Supreme Court, Appellate Division, Third Judicial Department, of the State of New York, to review a judgment, affirmed by the Court of Appeals of that state,...	May 21, 1917	Case		—
Cited by	**15. Chicago, M. & St. P.R. Co. v. State Public Utilities Commission of Illinois** 37 S.Ct. 173, 175 , U.S.Ill. IN ERROR to the Supreme Court of the State of Illinois to review a judgment which affirmed a judgment of the Circuit Court of Sangamon County, in that state, sustaining an order of...	Jan. 08, 1917	Case		—
Cited by	**16. Missouri Pac. R. Co. v. Larabee** 34 S.Ct. 979, 980 , U.S.Kan. IN ERROR to the Supreme Court of the State of Kansas to review a judgment awarding damages to the successful plaintiff in mandamus proceedings. Reversed and remanded for further...	June 22, 1914	Case		—

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Cited by	**17.** Atlantic Coast Line R. Co. v. State of Georgia 34 S.Ct. 829, 832+ , U.S.Ga. IN ERROR to the Court of Appeals of the State of Georgia to review a judgment which, conformably to the answers of the Supreme Court of the state to certified questions, affirmed a...	June 08, 1914	Case		—
Cited by	**18.** Missouri, K. & T. Ry. Co. of Tex. v. Harris 34 S.Ct. 790, 792+ , U.S.Tex. IN ERROR to the Justice Court, Precinct No. 6, of Hopkins County, in the State of Texas, to review a judgment allowing an attorney's fee to the successful plaintiff in a suit...	June 08, 1914	Case		—
Cited by	**19.** Simpson v. Shepard (U.S. Reports Title: Minnesota Rate Cases) 33 S.Ct. 729, 745+ , U.S.Minn. THREE APPEALS from the Circuit Court of the United States for the District of Minnesota to review decrees enjoining the enforcement of intrastate rates of interstate carriers as...	June 09, 1913	Case		—
Cited by	**20.** Southern Ry. Co. v. Reid 32 S.Ct. 140, 142 , U.S.N.C. IN ERROR to the Supreme Court of the State of North Carolina to review a judgment which affirmed a judgment of the Superior Court of Mechlenburg County, in that state, enforcing a...	Jan. 09, 1912	Case		—
Cited by	**21.** Central R Co of New Jersey v. Schick 38 F.2d 968, 970 , C.C.A.3 (Pa.) Appeal from the District Court of the United States for the Western District of Pennsylvania; Nelson McVicar, Judge. Action by the Central Railroad Company of New Jersey against J....	Feb. 21, 1930	Case		—
Cited by	**22.** Shepard v. Northern Pac. Ry. Co. 184 F. 765, 771 , C.C.D.Minn. In Equity. Bills by one Shepard against the Northern Pacific Railway Company and others, by J. S. Kennedy and others and by H. A. James against the Great Northern Railway Company...	Apr. 08, 1911	Case		—
Cited by	**23.** Pensick & Gordon, Inc. v. California Motor Exp. 323 F.2d 769, 771 , 9th Cir.(Cal.) Actions by shipper against motor common carriers for damages for alleged breach by carriers of their duty to render reasonable services without unjust discrimination. The United...	Sep. 18, 1963	Case		—
Cited by	**24.** Capital Service v. National Labor Relations Board 204 F.2d 848, 855 , 9th Cir.(Cal.) As Amended on Rehearing May 12, 1953. Action for a preliminary injunction restraining defendants from enforcing, giving continued effect to, or availing themselves of the benefits...	Jan. 30, 1953	Case		—

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Cited by	**25.** First Nat. Ben. Soc. v. Garrison 58 F.Supp. 972, 993 , S.D.Cal. Action for an injunction and damages by the First National Benefit Society, an Arizona corporation, against Maynard Garrison, Insurance Commissioner of California, and others. ...	Jan. 16, 1945	Case		—
Cited by	**26.** Werner Transp. Co. v. Hughes 19 F.Supp. 425, 434 , N.D.Ill. Suit by the Werner Transportation Company and others against Edward J. Hughes, Secretary of State of Illinois, and others. Injunction denied, and bill dismissed.	June 18, 1937	Case		—
Cited by	**27.** Omimex Canada, Ltd. v. WBI Energy Midstream, LLC 2014 WL 12591851, *7 , D.Mont. 1. Plaintiff Omimex Canada Ltd. (“Omimex”) is a corporation organized under the laws of Delaware with headquarters in Fort Worth, Texas. Omimex and its affiliates are engaged in...	Dec. 09, 2014	Case		—
Cited by	**28.** Louisville & N. R. Co. v. Hughes 201 F. 727, 735+ , S.D.Ohio In Equity. Suit by the Louisville & Nashville Railroad Company against Oliver H. Hughes, Oliver P. Gothlin, and John C. Sullivan, as members of the Public Service Commission of...	Oct. 18, 1912	Case		—
Cited by	**29.** Keystone Freight Lines v. Pratt Thomas Truck Line 37 F.Supp. 635, 643 , W.D.Okla. Suit by the Keystone Freight Lines, Incorporated, against the Pratt Thomas Truck Line, Incorporated, and others, to obtain a mandatory injunction requiring the defendants to resume...	Jan. 24, 1941	Case		—
Cited by	**30.** Missouri-Kansas-Texas R. Co. v. Williamson 36 F.Supp. 607, 615 , W.D.Okla. VAUGHT, District Judge, dissenting. Action in equity by the Missouri-Kansas-Texas Railroad Company against Mac Q. Williamson, Attorney General of the State of Oklahoma, to enjoin...	Jan. 11, 1941	Case		—
Cited by	**31.** American Sheet & Tin Plate Co v. US 15 F.Supp. 711, 714 , W.D.Pa. In Equity. Suits by the American Sheet & Tin Plate Company, by the Allegheny Steel Company, by the Pittsburgh Plate Glass Company, by the Weirton Steel Company, by the West...	May 23, 1936	Case		—
Cited by	**32.** St. Louis, I.M. & S. Ry. Co. v. Edwards 127 S.W. 713, 714 , Ark. Appeal from Circuit Court, Faulkner County; Eugene Lankford, Judge. Action by E. H. Edwards against the St. Louis, Iron Mountain & Southern Railway Company. From a judgment for...	Mar. 21, 1910	Case		—

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Cited by	**33.** Atchison, T. & S.F. Ry. Co. v. Railroad Commission 211 P. 460, 464+ , Cal. In Bank. Separate certiorari proceedings by the Atchison, Topeka & Santa Fé Railway Company, by the Los Angeles & Salt Lake Railroad Company, and by the Southern Pacific Company to...	Dec. 19, 1922	Case		—
Cited by	**34.** University Overland Express v. Alsop 189 A. 458, 462 , Conn. Case Reserved from Superior Court, Hartford County; John Rufus Booth, Judge. Appeal by the University Overland Express, Incorporated, from an order and decision of J. W. Alsop and...	Dec. 01, 1936	Case		—
Cited by	**35.** State v. Atlantic Coast Line R. Co. 87 So. 773, 778+ , Fla. Application for mandamus by the State, on the relation of the Railroad Commissioners, against the Atlantic Coast Line Railroad Company and another. Writ denied. Whitfield and West,...	Feb. 15, 1921	Case		—
Cited by	**36.** Atchison, T. & S.F. Ry. Co. v. Illinois Commerce Commission 166 N.E. 466, 472 , Ill. Petition to the Illinois Commerce Commission by the Illinois Coal Traffic Bureau, to which the Atchison, Topeka & Santa Fé Railway Company and others were made defendants, for the...	Apr. 20, 1929	Case		—
Cited by	**37.** State Public Utilities Commission of Ill. v. Atchison, T. & S.F. Ry. Co. 115 N.E. 904, 910 , Ill. Appeal from Circuit Court, Sangamon County; Norman L. Jones, Judge. Proceeding by the State Public Utilities Commission of Illinois, on the relation of the Farmers' Grain Dealers'...	Apr. 19, 1917	Case		—
Cited by	**38.** Chicago, M. & St. P. Ry. Co. v. State Public Utilities Commission of Illinois 108 N.E. 729, 731 , Ill. Appeal from Circuit Court, Sangamon County; James A. Creighton, Judge. Proceedings by the Poehlmann Bros. Company, before the State Public Utilities Commission of Illinois, against...	Apr. 22, 1915	Case		—
Cited by	**39.** Western Union Telegraph Co. v. Boegli 115 N.E. 773, 775 , Ind. Appeal from Circuit Court, Allen County; J. W. Eggeman, Judge. Action by Peter Boegli against the Western Union Telegraph Company. Judgment for plaintiff, and defendant appeals....	Apr. 17, 1917	Case		—
Cited by	**40.** Southern Ry. Co. v. Railroad Commission of Ind. 100 N.E. 337, 343 , Ind. Appeal from Superior Court, Vanderburgh County; Alexander Gilchrist, Judge. Action by the Railroad Commission of Indiana against the Southern Railway Company. Judgment for...	Jan. 03, 1913	Case		—

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Treatment	Title	Date	Type	Depth	Headnote(s)
Cited by	**41.** **Chicago, I. & L. Ry. Co. v. Railroad Commission of Ind.** 95 N.E. 364, 370 , Ind. Appeal from Superior Court, Marion County; Jno. L. McMaster, Judge. Action by the Chicago, Indianapolis & Louisville Railway Company against the Railroad Commission of Indiana....	May 23, 1911	Case		—
Cited by	**42.** **Fleming v. Richardson** 24 N.W.2d 280, 291+ , Iowa Appeal from District Court, Polk County; John J. Halloran, Judge. Action in equity by Joseph B. Fleming et al. against the Commerce Commission of Iowa, to vacate and set aside an...	Sep. 17, 1946	Case		—
Cited by	**43.** **Larabee Flour Mills Co. v. Missouri Pac. Ry. Co.** 147 P. 492, 493+ , Kan. Action by the Larabee Flour Mills Company against the Missouri Pacific Railway Company. Plaintiff asks to have mandate of the United States Supreme Court enforced and defendant...	Jan. 09, 1915	Case		—
Cited by	**44.** **Larabee Flour Mills Co. v. Missouri Pac. Ry. Co.** 116 P. 901, 902 , Kan. Application by the Larabee Flour Mills Company for writ of mandamus against the Missouri Pacific Railway Company. Judgment awarding a peremptory writ of mandamus was affirmed in...	July 07, 1911	Case		—
Cited by	**45.** **New England Tel. & Tel. Co. v. Department of Public Utilities** 159 N.E. 743, 747 , Mass. Reservation and Report from Supreme Judicial Court, Suffolk County. Petition under G. L. c. 25, § 5, by the New England Telephone & Telegraph Company against Department of Public...	Jan. 10, 1928	Case		—
Cited by	**46.** **Commonwealth v. Breakwater Co.** 100 N.E. 1034, 1039 , Mass. Exceptions from Superior Court, Barnstable County; Lloyd E. White, Judge. The Breakwater Company was found guilty of a violation of law, and it brings exceptions. Exceptions...	Feb. 26, 1913	Case		—
Cited by	**47.** **State v. Christopher** 2 S.W.2d 621, 630 , Mo. Appeal from Circuit Court, Pettis County; A. W. Walker, Special Judge. James K. Christopher was convicted of unlawfully keeping a place and permitting others to engage therein in...	Dec. 02, 1927	Case		—
Cited by	**48.** **Stroud v. Missouri Pac. R. Co.** 236 S.W. 891, 894 , Mo.App. Appeal from Circuit Court, Butler County; Almon Ing, Judge. Action by Roy Stroud against the Missouri Pacific Railroad Company. Judgment for plaintiff, and defendant appeals....	Jan. 14, 1922	Case		—

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Cited by	**49.** North Carolina Corp. Commission v. Southern Ry. Co. 117 S.E. 563, 576+ , N.C. Appeal from Superior Court, Wake County; Cranmer, Judge. Petition by the Corporation Commission for a writ of mandamus directed against the Atlantic Coast Line Railroad Company and...	Apr. 11, 1923	Case		—
Cited by	**50.** Salisbury & S. Ry. Co. v. Southern Power Co. 105 S.E. 28, 29 , N.C. Appeal from Superior Court, Guilford County; Ray, Judge. Petition by the Salisbury & Spencer Railway Company and the North Carolina Public Service Company for writ of mandamus...	Nov. 24, 1920	Case		—
Cited by	**51.** North Carolina Public Service Co. v. Southern Power Co. 104 S.E. 872, 874 , N.C. Appeal from Superior Court, Guilford County; Ray, Judge. Mandamus proceeding by the North Carolina Public Service Company and others against the Southern Power Company. From an...	Nov. 10, 1920	Case		—
Cited by	**52.** Morphis v. Southern Express Co. 83 S.E. 1, 2+ , N.C. Appeal from Superior Court, Chatham County; Peebles, Judge. Action by Julius Morphis against the Southern Express Company. From a judgment for plaintiff, defendant appeals. New...	Oct. 14, 1914	Case		—
Cited by	**53.** J.M. Pace Mule Co. v. Seaboard Air Line Ry. Co. 76 S.E. 513, 518+ , N.C. Appeal from Superior Court, Wake County; Cline, Judge. Action by the J. M. Pace Mule Company against the Seaboard Air Line Railway Company. Judgment for plaintiff, and defendant...	Nov. 20, 1912	Case		—
Cited by	**54.** Reid v. Southern Ry. Co. 69 S.E. 618, 619+ , N.C. Appeal from Superior Court, Mecklenburg County; Webb, Judge. Action by D. L. Reid and wife against the Southern Railway Company. From a judgment for plaintiffs, defendant appeals....	Nov. 30, 1910	Case		—
Cited by	**55.** Garrison v. Southern Ry. Co. 64 S.E. 578, 582+ , N.C. Appeal from Superior Court, Buncombe County; Guion, Judge. Action by W. A. B. Garrison against the Southern Railway Company. From a judgment for plaintiff, defendant appeals. No...	May 05, 1909	Case		—
Cited by	**56.** H. P. Welch Co. v. State 199 A. 886, 891 , N.H. Appeal from order of Public Service Commission. The Public Service Commission entered an order suspending the registration certificates issued by the commission permitting the H....	June 01, 1938	Case		—

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Cited by	**57.** **Milford Quarry & Construction Co. v. Boston & M. R. R.** 151 A. 336, 338 , N.H. Transferred from Superior Court, Hillsborough County; Matthews, Judge. Suit by the Milford Quarry & Construction Company against the Boston & Maine Railroad. Verdict for plaintiff....	June 28, 1930	Case		—
Cited by	**58.** **Loomis v. Lehigh Valley R. Co.** 101 N.E. 907, 914 , N.Y. Appeal from Supreme Court, Appellate Division, Fourth Department. Action by Leslie G. Loomis and another against the Lehigh Valley Railroad Company. From an order of the Appellate...	Apr. 29, 1913	Case		—
Cited by	**59.** **People ex rel. Delaware & Hudson Co. v. Public Service Commission of New York** 234 N.Y.S. 342, 345 , N.Y.A.D. 3 Dept. Certiorari by the People of the State of New York, on the relation of the Delaware & Hudson Company, to review an order of the Public Service Commission, made December 3, 1925,...	May 03, 1929	Case		—
Cited by	**60.** **People ex rel. New York Cent. R. Co. v. Public Service Commission, Second Dist.** 191 N.Y.S. 636, 642 , N.Y.A.D. 3 Dept. Certiorari by the People of the State of New York, on the relation of the New York Central Railroad Company against the Public Service Commission of the State of New York, Second...	Nov. 16, 1921	Case		—
Cited by	**61.** **In re Pennsylvania Gas Co.** 171 N.Y.S. 1028, 1031 , N.Y.A.D. 3 Dept. Appeal from Special Term, Ulster County. In the matter of the application of the Pennsylvania Gas Company for a writ of prohibition, directed to the Public Service Commission,...	Sep. 17, 1918	Case		—
Cited by	**62.** **People, on Complaint of Kornbleit, v. Yarbrough** 5 N.Y.S.2d 978, 981 , N.Y.Mag.Ct. Proceeding by the People of the State of New York, on the complaint of Irving Kornbleit, against Claude Yarbrough for violation of the statute regulating the number of hours which...	Apr. 11, 1938	Case		—
Cited by	**63.** **Railroad Commission of Ohio v. Ann Arbor Ry.** 21 Ohio C.D. 337, 338+ , Ohio Cir. The action in the court below was brought by a number of railroad companies located in this state and engaged in state and interstate transportation, against the railroad...	Oct. 12, 1909	Case		—
Cited by	**64.** **Ann Arbor R. Co. v. Railroad Commission of Ohio** 19 Ohio Dec. 691, 693 , Ohio Com.Pl. The questions arise upon demurrer to the second cause of action. Plaintiffs (thirty-five railroads), for their second cause of action aver that the defendant commission on March...	Apr. 01, 1909	Case		—

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Cited by	**65.** **Chicago, R.I. & P. Ry. Co. v. State** 217 P. 147, 154 , Okla. Appeal from Corporation Commission. Proceedings by the Corporation Commission against the Chicago, Rock Island & Pacific Railway Company and others. From an order of the...	May 15, 1923	Case		—
Cited by	**66.** **Riter-Conley Mfg. Co. v. Wryn** 174 P. 280, 285+ , Okla. Commissioners' Opinion, Division No. 1. Error from District Court, Oklahoma County; Geo. W. Clark, Judge. Action by Frank Wryn against the Riter–Conley Manufacturing Company, a...	July 23, 1918	Case		—
Cited by	**67.** **St. Louis & S. F. R. Co. v. State** 107 P. 929, 932+ , Okla. Appeal from Corporation Commission. Action by the State and another against the St. Louis & San Francisco Railroad Company. From an order of the State Corporation Commission fining...	Mar. 08, 1910	Case		—
Cited by	**68.** **Pierrard v. Hoch** 191 P. 328, 331 , Or. In Banc. Appeal from Circuit Court, Multnomah County; G. W. Stapleton, Judge. On petition for rehearing. Former opinion set aside, and decree affirmed. For former opinion, see 184...	July 20, 1920	Case		—
Cited by	**69.** **Hall v. Pennsylvania R. Co.** 100 A. 1035, 1042 , Pa. Appeal from Court of Common Pleas, Philadelphia County. Action of trespass by Samuel D. Hall against the Pennsylvania Railroad Company for unlawful discrimination in freight rates....	July 01, 1916	Case		—
Cited by	**70.** **Sonman Shaft Coal Co. v. Pennsylvania R. Co.** 88 A. 746, 754 , Pa. Appeal from Court of Common Pleas, Clearfield County. Action by the Sonman Shaft Coal Company against the Pennsylvania Railroad Company. From judgment for plaintiff, defendant...	June 27, 1913	Case		—
Cited by	**71.** **Commonwealth v. Disanto** 85 Pa.Super. 149, 158 , Pa.Super. The defendant was indicted and convicted in the Court of Quarter Sessions of Dauphin County for engaging in the sale of steamship tickets without a license, in violation of the Act...	1919	Case		—
Cited by	**72.** **Phillips v. Atlantic Coast Line R. Co.** 158 S.E. 274, 276+ , S.C. Appeal from Common Pleas Circuit Court of Marion County; E. C. Dennis, Judge. Action by Ida Phillips against the Atlantic Coast Line Railroad Company and another. Judgment for...	Apr. 20, 1931	Case		—

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Cited by	**73.** Varnville Furniture Co. v. Charleston & W. C. Ry. Co. 79 S.E. 700, 702 , S.C. Appeal from Common Pleas Circuit Court of Hampton County; R. W. Memminger, Judge. Action by the Varnville Furniture Company against the Charleston & Western Carolina Railway...	Sep. 15, 1913	Case		—
Cited by	**74.** Aldrich v. Southern Ry. Co. 79 S.E. 316, 319+ , S.C. Appeal from Common Pleas Circuit Court of Barnwell County; W. B. De Loach, Special Judge. Action by Alfred Aldrich against the Southern Railway Company and the Southern Railway,...	Sep. 12, 1913	Case		—
Cited by	**75.** State v. American Express Co. 161 N.W. 132, 136 , S.D. Original proceedings by State of South Dakota, on the relation of Clarence C. Caldwell, Attorney General, and the State Board of Railroad Commissioners, to restrain the American...	Jan. 20, 1917	Case		—
Cited by	**76.** Dunlap Lumber Co. v. Nashville, C. & St. L. Ry. Co. 165 S.W. 224, 228+ , Tenn. Certiorari to Court of Civil Appeals. Suit by the Dunlap Lumber Company against the Nashville, Chattanooga & St. Louis Railway Company, in which defendant filed a cross-bill. ...	Feb. 28, 1914	Case		—
Cited by	**77.** Western Union Telegraph Co. v. Bailey 196 S.W. 516, 518 , Tex. Action by T. C. Bailey against the Western Union Telegraph Company. The court of Civil Appeals affirmed judgment for plaintiff (184 S. W. 519), and defendant brings error. Writ...	July 02, 1917	Case		—
Cited by	**78.** Abilene & S. Ry. Co. v. State 199 S.W. 878, 887 , Tex.Civ.App.-Austin Appeal from District Court, Travis County; George Calhoun, Judge. Petition for injunction by the State of Texas and others against the Abilene & Southern Railway Company and...	Apr. 12, 1917	Case		—
Cited by	**79.** Atlantic Coast Line R. Co. v. Commonwealth 118 S.E. 257, 261+ , Va. Appeal from State Corporation Commission. Proceeding by the Commonwealth, at relation of the State Corporation Commission, against the Atlantic Coast Line Railroad Company and...	June 14, 1923	Case		—
Cited by	**80.** Sargent v. Rutland R. Co. 85 A. 654, 660 , Vt. Appeal from Order of Public Service Commission. Petition by John G. Sargent, Attorney General, against the Rutland Railroad Company. From an order of the Public Service Commission...	Jan. 09, 1913	Case		—

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Cited by	**81.** State v. Oregon-Washington R. & Nav. Co. 223 P. 600, 607 , Wash. Department 1. Appeal from Superior Court, Thurston County; Wilson, Judge. Action by the State of Washington against the Oregon-Washington Railroad & Navigation Company. Decree for...	Feb. 06, 1924	Case		—
Cited by	**82.** Meier v. Smith 35 N.W.2d 452, 456 , Wis. Appeal from a summary judgment of the Circuit Court for Milwaukee County; Otto H. Breidenbach, Judge. Action by William Meier and another against Kenneth L. Smith for a declaratory...	Dec. 15, 1948	Case		—
Cited by	**83.** Oregon State Board of Control 17 Or. Op. Atty. Gen. 346, 346 Under date of 22d ultimo you have requested my opinion whether, if the state installs its own private branch exchange for use of various state office buildings in Salem, the...	May 11, 1935	Administrative Decision		—
Cited by	**84.** Hon. Charles M. Thomas 16 Or. Op. Atty. Gen. 455, 455 I am in receipt of your communication of October 17th, which, to quote in part, is as follows: "The Shaver Forwarding Company of Portland has placed before the commission a...	Nov. 15, 1933	Administrative Decision		—
—	**85.** The King v Vizzard; Ex parte Hill 1933 WL 26588, *1+ , HCA Thirteen years ago this Court, in the case of W. & A. McArthur Ltd. v. State of Queensland , laid down the following propositions with respect to sec. 92 of the Constitution of the...	Dec. 15, 1933	Case	—	—
Mentioned by	**86.** Guss v. Utah Labor Relations Board 77 S.Ct. 609, 611 , U.S. On Appeal From the Supreme Court of Utah. On Writ of Certiorari to the Surpeme Court of Ohio. On Writ of Certiorari to the Supreme Court of California. Dissenting opinion. For...	Mar. 25, 1957	Case		—
Mentioned by	**87.** Guss v. Utah Labor Relations Board 77 S.Ct. 598, 602 , U.S.Utah Original proceeding in Utah Supreme Court by employer to review order of Utah Labor Relations Board. The Supreme Court of Utah, 5 Utah 2d 68, 296 P.2d 733, held that Utah Board...	Mar. 25, 1957	Case		—
Mentioned by	**88.** Southern Pac. Co. v. State of Ariz. ex rel. Sullivan 65 S.Ct. 1515, 1518 , U.S.Ariz. Action by the State of Arizona, on the relation of John L. Sullivan, Attorney General of the State of Arizona, against the Southern Pacific Company to recover from defendant...	June 18, 1945	Case		—

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Mentioned by	**89.** Kelly v. State of Washington ex rel. Foss Co. 58 S.Ct. 87, 92 , U.S.Wash. On Writ of Certiorari to the Supreme Court of the State of Washington. Action for a writ of prohibition by the State of Washington, on the relation of Foss Company, Inc., against...	Nov. 08, 1937	Case		—
Mentioned by	**90.** Morris v. Duby 47 S.Ct. 548, 550 , U.S.Or. Appeal from the District Court of the United States for the District of Oregon. Suit by R. B. Morris, doing business as Morris & Lowther, and others, against Wm. Duby and others. ...	Apr. 18, 1927	Case		—
Mentioned by	**91.** Buck v. Kuykendall 45 S.Ct. 324, 325 , U.S.Wash. Appeal from the District Court of the United States for the Western District of Washington. Suit by by A. J. Buck against E. V. Kuykendall, Director of Public Works of the State of...	Mar. 02, 1925	Case		—
Mentioned by	**92.** Lucking v. Detroit & Cleveland Nav. Co. 44 S.Ct. 504, 505 , U.S.Mich. Appeal from the United States Circuit Court of Appeals, Sixth Circuit. Suit in equity by William Lucking against the Detroit & Cleveland Navigation Co. A decree for defendant (273...	May 26, 1924	Case		—
Mentioned by	**93.** Missouri Pac R Co v. Larabee Flour Mills Co 36 S.Ct. 552, 552 , U.S.Kan. In Error to the Supreme Court of the State of Kansas. See same case below, 94 Kan. 683, 147 Pac. 492.	Apr. 17, 1916	Case		—
Mentioned by	**94.** Atlantic Coast Line R. Co. v. Mazursky 30 S.Ct. 378, 382 , U.S.S.C. FIVE WRITS OF ERROR to the Supreme Court of the State of South Carolina to review judgments affirming judgments below, penalizing the failure of common carriers to adjust and pay...	Feb. 21, 1910	Case		—
Mentioned by	**95.** Meloon v. Davis 292 F. 82, 92 , C.C.A.1 (N.H.) On Rehearing Anderson, Circuit Judge, dissenting. In Error to the District Court of the United States for the District of New Hampshire; Edgar Aldrich, Judge. Action by...	Feb. 13, 1923	Case		—
Mentioned by	**96.** Chicago, R.I. & P. Ry. Co. v. Lawton Refining Co. 253 F. 705, 707 , C.C.A.8 (Okla.) Appeal from the District Court of the United States for the Western District of Oklahoma; John H. Cotteral, Judge. Suit by the Lawton Refining Company against the Chicago, Rock...	Oct. 28, 1918	Case		—
Mentioned by	**97.** Union Stockyards Co. of Omaha v. U.S. 169 F. 404, 407 , C.C.A.8 (Neb.) In Error to the District Court of the United States for the District of Nebraska. For opinion below, see 161 Fed. 919.	Apr. 02, 1909	Case		—

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Mentioned by	**98.** **Cobb v. Department of Public Works of State of Washington** 60 F.2d 631, 637 , W.D.Wash. In Equity. Suit by R. C. Cobb and others against the Department of Public Works of the State of Washington and others. Decree for plaintiffs.	July 11, 1932	Case		—
Mentioned by	**99.** **Buck v. Kuykendall** 295 F. 197, 206 , W.D.Wash. Supplemental Opinion. In Equity. Suit by A. J. Buck against E. V. Kuykendall, Director of Public Works of the State of Washington. On motion for preliminary injunction....	Dec. 07, 1923	Case		—
Mentioned by	**100.** **Pacific Coast Dairy v. Department of Agriculture** 123 P.2d 442, 448 , Cal. In Bank. Proceeding by the Pacific Coast Dairy, Incorporated, for a writ of mandamus ordering the State Department of Agriculture and William B. Parker, Director of Agriculture, to...	Mar. 12, 1942	Case		—
Mentioned by	**101.** **Vandalia R. Co. v. Railroad Commission of Ind.** 101 N.E. 85, 87 , Ind. Appeal from Superior Court, Marion County; Vinson Carter, Judge. Action by the Vandalia Railroad Company against the Railroad Commission of Indiana. Judgment for defendant, and...	Mar. 13, 1913	Case		—
Mentioned by	**102.** **In re Opinion of the Justices** 147 N.E. 681, 698 , Mass. The following order was passed by the House of Representatives on March 12, 1925, and by the Senate in concurrence on March 16, 1925, and was transmitted to the Justices of the...	Apr. 17, 1925	Case		—
Mentioned by	**103.** **W.U. Tel. Co. v. Foster** 113 N.E. 192, 199 , Mass. Case Reserved from Supreme Judicial Court, Suffolk County. Proceedings by the Western Union Telegraph Company against Calvin H. Foster and others, and by Frederick J. MacLeod and...	June 21, 1916	Case		—
Mentioned by	**104.** **Vermilye v. W.U. Tel. Co.** 93 N.E. 635, 637 , Mass. Exceptions from Superior Court, Suffolk County; William Schofield, Judge. Action by William M. Vermilye against the Western Union Telegraph Company. Verdict for plaintiff, and...	Jan. 05, 1911	Case		—
Mentioned by	**105.** **State ex rel. and to Use of Baldwin v. Public Service Commission of State of Missouri** 99 S.W.2d 90, 93 , Mo. Appeal from Circuit Court, Cole County; Nike G. Sevier, Judge. Proceedings by the State, at the relation and to the use of L. W. Baldwin and another, trustees of the Missouri...	Nov. 12, 1936	Case		—

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Mentioned by	**106.** State v. Seaboard Air Line Ry. 84 S.E. 283, 287 , N.C. Appeal from Superior Court, Wake County; Bond, Judge. The Seaboard Air Line Railway was indicted for an offense. From a judgment in defendant's favor on a special verdict, the...	Feb. 10, 1915	Case		—
Mentioned by	**107.** Burlington Lumber Co. v. Southern Ry. Co. 67 S.E. 167, 168 , N.C. Appeal from Superior Court, Alamance County; Long, Judge. Action by the Burlington Lumber Company against the Southern Railway Company. Plaintiff had judgment, and defendant...	Mar. 02, 1910	Case		—
Mentioned by	**108.** Reid & Beam v. Southern Ry. Co. 64 S.E. 874, 879 , N.C. Appeal from Superior Court, Rutherford County; Justice, Judge. Action by Reid & Beam against the Southern Railway Company. From a judgment for plaintiff, defendant appeals. ...	May 25, 1909	Case		—
Mentioned by	**109.** State v. Goeson 262 N.W. 70, 73 , N.D. Appeal from District Court, Burleigh County; Fred Jansonius, Judge. Proceedings by the State of North Dakota against Nels Goeson and Hollis Lind, doing business as the Dakota...	May 02, 1935	Case		—
Mentioned by	**110.** Haselton v. Interstate Stage Lines 133 A. 451, 458 , N.H. Transferred from Superior Court, Hillsborough County; Sawyer, Judge. Information in equity by George I. Haselton, County Solicitor, against the Interstate Stage Lines,...	May 04, 1926	Case		—
Mentioned by	**111.** In re Pennsylvania Gas Co. 122 N.E. 260, 262 , N.Y. Appeal from Supreme Court, Appellate Division, Third Department. In the matter of the application of the Pennsylvania Gas Company for a writ of prohibition, directed to the Public...	Jan. 28, 1919	Case		—
Mentioned by	**112.** People v. Dawson 139 N.Y.S.2d 496, 499 , N.Y.City Ct. Prosecution for violation of statute requiring certain rest period for drivers of trucks after ten hours of duty. The City Court of Buffalo, Michael E. Zimmer, J., held that...	Mar. 03, 1955	Case		—
Mentioned by	**113.** Com. v. Nelson 104 A.2d 133, 145+ , Pa. The defendant was convicted in the Court of Oyer and Terminer of Allegheny County at No. 764 October Sessions, 1950, Harry M. Montgomery, J., of violation of the Sedition Act, and...	Jan. 25, 1954	Case		—

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Mentioned by	**115.** Com. v. Kennedy 195 A. 770, 780 , Pa.Super. Appeal No. 252, October term, 1937, from judgment of Court of Quarter Sessions, Northampton County, No. 27, February term, 1937; Wm. M. McKeen, Judge. Robert B. Kennedy was...	Dec. 17, 1937	Case		—
Mentioned by	**116.** Ford v. Atlantic Coast Line R. Co. 168 S.E. 143, 175 , S.C. Appeal from Common Pleas Circuit Court of Clarendon County; M. L. Bonham, Judge. Action by Katherine H. Ford against the Atlantic Coast Line Railroad Company and another. Judgment...	May 11, 1932	Case		—
Mentioned by	**117.** Williams v. Denney 276 P. 858, 861 , Wash. Department 1. Appeal from Superior Court, King County; Robert M. Jones, Judge. Action by George B. Williams and another against John C. Denney, Director of Public Works of...	Apr. 22, 1929	Case		—
Mentioned by	**118.** Minors Employed by Railroads 49 Pa. D. & C. 199, 205 This department is in receipt of your communication requesting advice as to whether the Pennsylvania Child Labor Law is applicable to minors between the ages of 16 and 18 years of...	Oct. 28, 1943	Administrative Decision		—
Mentioned by	**119.** IN THE MATTER OF PHILLIPS PETROLEUM CO. 10 F.P.C. 246, 321 , F.P.C. DRAPER, Commissioner, concurring in the result. BUCHANAN, Commissioner, dissenting.	Aug. 16, 1951	Administrative Decision		—
—	**120.** Powers of Federal and state governments respectively as regards railroad stations 39 A.L.R. 1372 The reported case for this annotation is State v. Seaboard Air Line Ry. Co., 89 Fla. 419, 104 So. 602, 39 A.L.R. 1362 (1925).	1925	ALR	—	—
—	**121.** Comment Note.--Mandamus as proper remedy to compel service by public utility 83 A.L.R. 947 The reported case for this annotation is Horton v. Interstate Tel. & Tel. Co., 202 N.C. 610, 163 S.E. 694, 83 A.L.R. 941 (1932).	1933	ALR	—	—
—	**122.** Right of railroad to discriminate in respect of switching charges 2 A.L.R. 585 The reported case for this annotation is State Public Utilities Commission v. Illinois Cent. R. Co., 283 Ill. 425, 119 N.E. 294, 2 A.L.R. 582 (1918).	1919	ALR	—	—

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—	**123. Federal Procedural Forms s 66:1, § 66:1. Overview of commerce clause and federal versus state authority** The Constitution of the United States provides that the Congress has power "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes."...	2023	Other Secondary Source	—	—
—	**124. Fletcher Cyclopedia Law of Private Corporations s 2367, § 2367. Availability of mandamus remedy** In federal courts, relief previously available by mandamus now must be obtained by appropriate action or by appropriate motion under the practice prescribed by the Federal Rules of...	2023	Other Secondary Source	—	—
—	**125. Fletcher Cyclopedia Law of Private Corporations s 2389, § 2389. Transportation companies** Railroad companies are quasi-public corporations, and their rights and powers are not conferred upon them merely for the benefit of such corporations themselves, but also in trust...	2023	Other Secondary Source	—	—
—	**126. Sutherland Statutes and Statutory Construction s 23:20, § 23:20. Conflict between administrative regulations and statutes** An administrative body may be given the power to suspend or repeal prior legislative enactments by administrative regulation. The power to suspend or repeal is designated by the...	2023	Other Secondary Source	—	—
—	**127. Treatise on Constitutional Law s 4.8(a), § 4.8(a). Modern Commerce Power Tests** In decisions between 1937 and 1995, the Supreme Court found that there were two ways that an item, person, or activity may come under the federal commerce power. First, Congress...	2024	Other Secondary Source	—	—
—	**128. Am. Jur. 2d Corporations s 11, § 11. Mandamus to enforce performance of duty or obligation of a corporation** Am. Jur. 2d Corporations Mandamus may be an appropriate remedy to enforce the performance of the legal duties of a corporation. The general rule is that when the law imposes a specific duty upon a private...	2024	Other Secondary Source	—	—
—	**129. Am. Jur. 2d Mandamus s 61, § 61. Service obligations of public service corporations enforceable by mandamus** Am. Jur. 2d Mandamus The duty of a public service corporation, to which a grant of a franchise has been made, to perform services to the public is generally public in its nature, arising from the...	2024	Other Secondary Source	—	—

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—	**130.** **Cal. Jur. 3d Carriers s 288, § 288. Carrier responsibilities to provide facilities for interchange of traffic** Cal. Jur. 3d Carriers Common carriers are required to afford reasonable, proper, and equal facilities for the prompt and efficient interchange and transfer of passengers, tonnage, and cars between the...	2024	Other Secondary Source	—	—
—	**131.** **CJS Mandamus s 330, § 330. Availability of mandamus as to performance of public duties by railroad companies** CJS Mandamus Where a specific legal duty is imposed by law on a railroad company for the benefit of the public, and there is a clear violation of such duty, mandamus will lie to compel...	2024	Other Secondary Source	—	—
—	**132.** **NETWORKS, NEUTRALITY & DISCRIMINATION** 69 Admin. L. Rev. 125 , 173 This Article analyzes the Internet's central legal issue, the so-called "network neutrality" question, which came to a head with the unparalleled public participation in the...	2017	Law Review	—	—
—	**133.** **THE DECLINE OF THE DORMANT COMMERCE CLAUSE** 94 Denv. L. Rev. 255 , 318 A profound transformation has been worked in the law of the dormant Commerce Clause. Much contemporary scholarship and many modern decisions of the Supreme Court present the...	2017	Law Review	—	—
—	**134.** **CONSERVATION FORCE ET AL. v. DELTA AIR LINES: THE LEGALITY OF AN AIRLINE BAN ON BIG GAME HUNTING TROPHIES** 12 DePaul J. Sports L. & Contemp. Probs. 108 , 118+ Big game hunting is a sport that has been around for hundreds of years. In today's day and age, hunters are willing to pay exorbitant amounts of money in order to obtain hunting...	2016	Law Review	—	—
—	**135.** **THE DORMANT COMMERCE CLAUSE: THE ORIGIN STORY AND THE "CONSIDERABLE UNCERTAINTIES"-1824 TO 1945** 52 Creighton L. Rev. 243 , 292+ Last night I saw upon the stair A little man who wasn't there He wasn't there again today Oh, how I wish he'd go away . The Dormant Commerce Clause is the constitutional doctrine...	2019	Law Review	—	—
—	**136.** **TELEPHONE COMPANIES, THE FIRST AMENDMENT, AND TECHNOLOGICAL CONVERGENCE** 45 DePaul L. Rev. 1035 , 1065 On February 1, 1996, Congress passed the Telecommunications Act of 1996 (Telecom Act or Act). After more than a decade of debate and delay, Congress cut a broad path through much...	1996	Law Review	—	—

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—	**137.** **MAKING CYBERSPACE SAFE FOR CHILDREN (?): A FIRST AMENDMENT ANALYSIS OF THE COMMUNICATIONS DECENCY ACT OF 1996** 18 Hamline J. Pub. L. & Pol'y 78 , 147 When I was ten or eleven another boy in my neighborhood showed me a magazine. Wrinkled and dirty, the magazine had obviously been rescued from some trash can. This magazine...	1996	Law Review	—	—
—	**138.** **INTERSTATE COMMERCE - POWER OF STATES: INTERSTATE CARRIERS - GRANT OF DISCRETIONARY AUTHORITY TO ICC HELD NOT TO SUPERSEDE STATE POLICE REGULATION** 52 Harv. L. Rev. 841 , 841+ A New Hampshire statute declares unlawful the operation for hire on its highways of motor carriers by drivers who have been continuously on duty for more than twelve hours. N. H....	1939	Law Review	—	—
—	**139.** **THE STATE LABOR RELATIONS ACTS** 51 Harv. L. Rev. 722 , 736+ Twelve state legislatures at their last sessions considered but did not enact legislation modeled on the National Labor Relations Act. In Michigan, a bill, inapplicable to shops...	1938	Law Review	—	—
—	**140.** **THE GAS-STOKERS' STRIKE** 44 Harv. L. Rev. 795 , 825 THOSE who are interested in the immediate social aspects of this case, and who wish to hear the other side of this resort to the courts, as a move in the game between masters and...	1931	Law Review	—	—
—	**141.** **MR. JUSTICE HOLMES AND THE CONSTITUTION A Review of his Twenty-five Years on the Supreme Court** 41 Harv. L. Rev. 121 , 171 WHEN the present Chief Justice was appointed, a leading New York newspaper gave utterance to a wide-spread public appreciation of his "tact and good humor" by remarking that...	1927	Law Review	—	—
—	**142.** **THE WANING POWER OF THE STATES OVER RAILROADS: CURTAILMENT OF STATE REGULATORY ACTIVITIES BY THE TRANSPORTATION ACT** 37 Harv. L. Rev. 888 , 893 The Transportation Act of 1920 inaugurated a new policy in the federal regulation of carriers. Previously the efforts of Congress had been pointed mainly at the elimination of...	1924	Law Review	—	—
—	**143.** **THE EVOLUTION OF FEDERAL REGULATION OF INTRASTATE RATES: THE SHREVEPORT RATE CASES** 28 Harv. L. Rev. 34 , 58+ "POWERFUL and ingenious minds, taking as postulates that the powers expressly granted to the government of the Union, are to be contracted by construction into the narrowest...	1914	Law Review	—	—

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—	**144.** **JUDICIAL CONSTRUCTION OF THE FOURTEENTH AMENDMENT** 26 Harv. L. Rev. 1 , 41 THE subject of this article is the judicial definition of the following language of the Fourteenth Amendment to the federal Constitution: "No State shall make or enforce any law...	1912	Law Review	—	—
—	**145.** **STATE REGULATION OF INTERSTATE COMMERCE** 22 Harv. L. Rev. 437 , 438 The difficulties attending any exact division of power where the state and federal governments have concurrent jurisdiction are nowhere more apparent than in the cases involving...	1909	Law Review	—	—
—	**146.** **INTERSTATE COMMERCE - CONTROL BY STATES - GENERAL DISCUSSION OF LIMITS** 22 Harv. L. Rev. 454 , 454 A railroad refused to haul the plaintiff's cars from an adjoining railroad to a near-by town, although this service was performed for other mill owners. The plaintiff brought...	1909	Law Review	—	—
—	**147.** **MUDDLING THROUGH MODERN ENERGY POLICY: THE DORMANT COMMERCE CLAUSE AND UNMASKING THE ILLUSION OF AN ATTLEBORO LINE** 24 N.Y.U. Envtl. L.J. 283 , 352 C1-2Table of Contents Introduction. 283 I. Cities, Progressivism, and Electricity Markets. 286 A. Electricity Lights a Fair. 286 B. The Progressive Tendency Toward Federal...	2016	Law Review	—	—
—	**148.** **CALIFORNIA'S WATER POLLUTION PROBLEM** 3 Stan. L. Rev. 649 , 666 In 1939 the sewage treatment plant built to serve the Pasadena area of Los Angeles County was described as one of the finest plants of its kind anywhere. By 1945 the effluent from...	1951	Law Review	—	—
—	**149.** **BEYOND PLESSY: SPACE, STATUS, AND RACE IN THE ERA OF JIM CROW** 2000 Utah L. Rev. 267 , 299 In the 1896 case of Plessy v. Ferguson, the United States Supreme Court held that a Louisiana law requiring separate but equal accommodations on railroads for white and black...	2000	Law Review	—	—
—	**150.** **THE FIRST AMENDMENT AND THE NATIONAL INFORMATION INFRASTRUCTURE** 30 Wake Forest L. Rev. 1 , 50 What the First Amendment status of electronic information should be is a fundamental question which must be addressed in any attempt to arrive at appropriate legal standards to...	1995	Law Review	—	—

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—	**151.** **A FRAMEWORK FOR PREEMPTION ANALYSIS** 88 Yale L.J. 363 , 389+ The decisions of the Supreme Court in cases involving preemption of state law by federal statutes have often produced considerable confusion and criticism. This Note argues that...	1978	Law Review	—	—
—	**152.** **DISCRIMINATION AND THE COMMERCE CLAUSE: APPLICATION OF STATE CIVIL RIGHTS ACTS IN INTERSTATE AND FOREIGN COMMERCE** 58 Yale L.J. 329 , 334 Despite its originally exclusive interpretation, the Commerce Clause has not entirely prevented the states from exercising regulation over the interstate and foreign commerce which...	1949	Law Review	—	—
—	**153.** **POWER OF STATE COURT TO ENJOIN DISCRIMINATION BY WATER CARRIERS AND THEIR EMPLOYEES AGAINST ANTI-UNION SHIPPERS** 45 Yale L.J. 367 , 372+ Sympathy of federal courts with employers in disputes with organized labor frequently led employers to prefer federal to state courts in labor controversies. Federal jurisdiction...	1935	Law Review	—	—
—	**154.** **CONSTITUTIONAL LAW-STATE LICENSES AS BURDENS ON FOREIGN COMMERCE** 36 Yale L.J. 706 , 706 The defendant was convicted under a Pennsylvania statute which required licenses of those selling steamship tickets, or transportation orders, to or from foreign countries. Such...	1927	Law Review	—	—
—	**155.** **THE SUPREME COURT, THE COMMERCE CLAUSE AND COMMON LAW RULES** 19 Yale L.J. 32 , 35 In the recent decision in Missouri Pacific Ry. Co. v. Larabee Flour Mills Co., the Supreme Court seems to me to have entirely forgotten, or to have ignored its own decision...	1909	Law Review	—	—
—	**156.** **CONSERVATION FORCE, DALLAS SAFARI CLUB, HOUSTON SAFARI CLUB, COREY KNOWLTON, THE CAMPFIRE ASSOCIATION, AND THE TANZANIA HUNTING OPERATORS ASSOCIATION, PLAINTIFFS, V. DELTA AIR LINES, INC., DEFENDANT.** Aviation Law Reporter Federal Aviation Act of 1958 —— Federal aviation regulations —— Private rights of action —— Air carriers —— Liability —— Cargo carriage —— Refused transportation Claims that an air...	2016	Other Secondary Source	—	—
—	**157.** **Title Available on Document Page**	—	Other Secondary Source	—	—

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